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30 UNITED STATES DISTRICT COURT  
31 NORTHERN DISTRICT OF CALIFORNIA  
32 SAN JOSE DIVISION

33 CISCO SYSTEMS, INC.,

34 Case No. 5:14-cv-05344-BLF (PSG)

35 Plaintiff,

36 **DECLARATION OF NICHOLAS D.**  
**MARAIS IN SUPPORT OF ARISTA'S**  
**ADMINISTRATIVE MOTION TO FILE**  
**DOCUMENTS UNDER SEAL**

37 v.

38 ARISTA NETWORKS, INC.,  
39 Defendant.

40 Judge: Hon. Beth Labson Freeman

41 Date Filed: December 5, 2014

42 Trial Date: November 21, 2016

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1 I, NICHOLAS D. MARAIS, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and admitted to  
 3 practice before this Court. I am an associate at the law firm of Keker & Van Nest LLP and  
 4 counsel for Defendant Arista Networks, Inc. ("Arista") in the above-captioned action.

5 2. I have personal knowledge of the facts stated herein and, if called as a witness, I  
 6 could testify competently thereto.

7 3. Arista has filed the accompanying Administrative Motion to Seal not because it  
 8 believes any of the material at issue is sealable, but because Plaintiff Cisco Systems, Inc.  
 9 ("Cisco") has designated it CONFIDENTIAL or HIGHLY CONFIDENTIAL under the Stipulated  
 10 Protective Order. While that designation does not bear on the actual merits of a sealing request—  
 11 or on this Court's decision—it does require Arista to redact the following excerpts and documents  
 12 from its initial filing:

- 13 • In Arista's Reply Brief in support of its Motion for Leave to Amend Response to  
 14 Add Counterclaims ("Reply Brief"), the redacted portions at 1:5–8, 3:2–6 and  
 15 4:23–27 contain excerpts from documents that Cisco has designated  
 16 CONFIDENTIAL or HIGHLY CONFIDENTIAL ("Cisco Designated Material");  
 17 and
- 18 • Exhibit A to the Declaration of Andrea Nill Sanchez, which is Cisco Designated  
 19 Material.

20 4. To be clear, all of the material at issue in this Administrative Motion to Seal is  
 21 Cisco's, and Cisco bears the burden of proving that there is "good cause" or "compelling reasons"  
 22 for keeping it sealed. Arista neither believes that these excerpts or documents are sealable, nor is  
 23 it requesting that the Court seal any of its own (*i.e.*, Arista's) material.

24 I declare under penalty of perjury under the laws of the United States that the foregoing is  
 25 true and correct, and that this declaration was executed on February 16, 2016, in San Francisco,  
 26 California.

27   
 28 NICHOLAS D. MARAIS